

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

DONYAE M. CALLOWAY

CRIMINAL NO. 2:16cr72

STATEMENT OF FACTS

The parties agree to the following facts and agree that the United States would have proved the same, beyond a reasonable doubt, at trial.

1. The incidents described occurred in the Eastern District of Virginia. On January 29, 2016, after a call was received from a confidential informant, the defendant agreed to deliver a quantity of heroin to the Citgo Gas station on the 5300 block of East Princess Anne Road to a confidential informant (now a cooperating witness or CW). The defendant had been known to operate a newer model white van. On the same day, a newer model white van pulled into the 7-11 location at 5339 East Princess Anne Road, that is right near the Citgo where the meeting was to occur. The defendant arrived at the location in a white newer model van driven by another person. The defendant was identified and then lawfully detained and arrested. During the search of Calloway's person, NPD investigators located \$1215.00 dollars (in 2 locations on his person), 51.71 grams of heroin (in the right pocket in his vest), 7.7984 grams of heroin (inside his right jeans pocket), and a loaded Detonics .45 caliber semi-automatic pistol (inside his left vest pocket). After proper advisement of legal Miranda rights, Calloway admitted driving to the location to deliver the heroin to another person and indicated it was about \$4,000 dollars of heroin, and that he had bought the firearm for \$500.00 and that he was a convicted felon so he could not buy anything new. Calloway stated he has tried to do right but that it was hard and that he didn't choose to live this way. Calloway stated he lost multiple family members and felt like people were targeting them. This is why he carried the gun. Calloway stated he had been selling

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for the last seven months. He stated he did not test the product. When asked what the drug was he had, he indicated heroin. When asked how much money he made, he said not much. He went on to describe how he buys it (heroin) and how he makes money on it (heroin).

2 . The parties further agree that the firearm seized from the defendant Calloway travelled in interstate or foreign commerce.

3 . Born in October 1977, Calloway was convicted as an adult in 1993 of malicious wounding and his parole was revoked in 2003. Calloway was convicted in 2002 in Norfolk for felony possession of a firearm while in possession of drugs and manufacturing, sale and possession of controlled substances. He received 7 years with 5 suspended. He is still on probation for this offense. His rights to possess a firearm have not been restored. Lab analysis determined that substance seized was heroin and that the firearm seized met the definition under federal law.

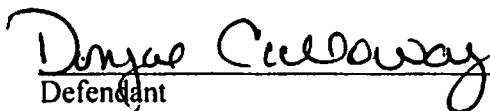
DANA J. BOENTE
UNITED STATES ATTORNEY

By:



Kevin M. Comstock
Assistant United States Attorney

Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Defendant

Defense Counsel's Signature: I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Counsel for Defendant


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